

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

ROBERT BRAGGS,  
Defendant

Case No. 1:91-cr-132  
Beckwith, J.  
Litkovitz, M.J.

**ORDER**

This matter is before the Court on the defendant's second motion for reconsideration of the magistrate judge's detention order. (Doc. 303).

The defendant requests reconsideration of the Court's April 28, 2011 detention order entered in connection with the defendant's arrest on a federal petition for a supervised release violation. Mr. Braggs alleges that but for the federal detention order, he would potentially be eligible for early release on his state court sentence, which is set to expire on August 4, 2014. (Doc. 303, attachments). The attachments to the defendant's motion appear to suggest that Mr. Braggs was notified in November 2013 that he was not eligible for "80% Court Release" from the Department of Corrections because of the federal detainer pending in the instant case.

Following a detention hearing on April 28, 2011, the undersigned ordered that the defendant be detained on the petition alleging a supervised release violation. The Court found that the defendant failed to present clear and convincing evidence that he was not likely to pose a risk of flight or present a danger to the safety of the community if released. *See* 18 U.S.C. § 3143(a). The undersigned explained that given the circumstances of the case – that the defendant was arrested by state authorities for trafficking and possession of cocaine a mere three months after he completed a lengthy federal sentence for trafficking in drugs; that he was subsequently

convicted of the state law offense; and that his state court conviction had not been overturned – the defendant posed a danger to the safety of the community if released on bond. (Doc. 292). There have been no changes in the circumstances described above. Nor has the defendant presented any evidence or argument that persuades the Court that reconsideration of the order of detention is appropriate.

Accordingly, defendant's motion for reconsideration is **DENIED**.

**IT IS SO ORDERED.**

Date: 2/5/14

  
Karen L. Litkovitz  
United States Magistrate Judge